

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

**In the Matter of**

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND  
PACKAGING AND MANUALS THEREFOR**

**And**

**CERTAIN PERSONAL TRANSPORTERS  
AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1007  
Inv. No. 337-TA-1021  
(Consolidated)**

**Order No. 21**

On November 18, 2016, complainants Segway Inc.; DEKA Products Limited Partnership; and Ninebot (Tianjin) Technology Co., Ltd. (collectively, “Segway”) filed a motion to compel discovery from respondents Inventist, Inc. (“Inventist”); Razor USA LLC (“Razor”); Swagway, LLC (“Swagway”); Jetson Electric Bikes LLC; Hangzhou Chic Intelligent Technology Co., Ltd. (“Chic”); Powerboard LLC; and Changzhou Airwheel Technology Co., Ltd. (collectively, “respondents”). Motion Docket No. 1007/1021-24.

On November 30, 2016, respondents Inventist, Razor, Chic, and Swagway filed responses in opposition, and the Commission Investigative Staff (“Staff”) filed a response in support. No other party responded to the motion.<sup>1</sup>

---

<sup>1</sup> On December 5, 2016, Segway filed a motion for leave to file a reply. Motion Docket No. 1007/1021-28. On December 8, 2016, respondent Chic filed a response in opposition. No other party responded to the motion for leave. The motion for leave is granted.

In the underlying motion to compel, Segway argues:

Complainants seek to compel written discovery on (1) a specific set of non-public documents filed or served by Respondents in Investigation No. 337-TA-1000 (the “Razor Investigation”); and (2) the circumstances (*e.g.*, when, how) under which Chic first became aware of the asserted patents in this investigation (in the form of document production and an interrogatory response).

Complainants served their first set of requests for production on the Respondents months ago. Complainants have asked for discovery on, among other things, certain non-public documents produced or served in the Razor Investigation—an investigation involving Respondents’ *same hoverboards* accused in this investigation. Respondents have simply refused to produce this discovery. In addition, Complainants have asked Chic (as well as the other Respondents) to respond to interrogatories and provide certain documents regarding it first became aware of the asserted patents in this investigation. Despite its indisputable relevance, Chic alone has refused to provide this basic discovery—discovery provided in almost *every* patent case, and which *all* other Respondents have agreed to provide. Given the foregoing, Complainants have been forced to file this motion to compel.

Mem. at 1-2 (emphasis in original) (footnote and citations omitted).

In the reply, Segway argues:

Complainants further request permission to withdraw in part their Motion to Compel Written Discovery with respect to Chic’s first knowledge of the Asserted Patents. Withdrawal is based on Chic’s agreement, after Complainants already filed their motion, to provide this discovery. *See Opposition Of Chic, Razor, And Inventist To Complainants’ Motion To Compel* (Mot. Dkt. No. 1007-024) (“Chic Opposition” or “Chic Opp.”).

Complainants address several incorrect assertions raised in the Chic Opposition and in Respondent Swagway’s Opposition to Complainants’ Motion to Compel (Mot. Dkt. No. 1007-024) (“Swagway Opp.”). Those oppositions incorrectly state that: (1) Complainants have requested “most” or “essentially every document” exchanged between the parties in Investigation No. 337-TA-1000 (“1000 Investigation”) and improperly seek “other companies’ confidential information” (Chic Opp. at 1, 3, 6; Swagway Opp. at 5); (2) Complainants are seeking the underlying “technical documents” produced in the 1000 Investigation that describe the structure, function and operation of Respondents’ accused products (Chic Opp. at 5; Swagway Opp. at 5); and (3) Complainants have provided no comparison of the ‘278 patent asserted in the 1000 Investigation with the Asserted Patents in this Consolidated Investigation “that would lead to a conclusion that information developed specifically for the 1000 Investigation, like contentions and expert reports, would have any bearing on this case.” (Chic Opp. at 4; Swagway Opp. at 3). Those three concerns are allayed and Complainants

Motion should be granted ....

Reply at 4-5; *see* Swagway Opp'n at 2-5; Inventist, Razor, and Chic Opp'n at 4-7.

In the opposition to the reply, Chic argues that (1) complainants' requests for documents from Investigation No. 337-TA- 1000 ("1000 investigation") are too broad and burdensome; (2) complainants seek Chic's underlying technical documents; and (3) complainants never demonstrate any relevance of the respondents' positions in the 1000 investigation. *See* Opp'n to Reply at 4-7.

For the reasons discussed below, Motion No. 1007/1021-24 is granted.

Any party may obtain discovery regarding "any matter, not privileged," that is relevant to the "claim or defense of any other party[.]" 19 C.F.R. § 210.27(b). It is not grounds for objection that the information sought may be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. *Id.*

According to complainants, "after a meet-and-confer with Respondents, Complainants sufficiently narrowed their discovery requests to a limited number of Respondents' own submissions/information in the 1000 Investigation, rather than third party submissions/information or materials from other Respondents in that Investigation." Reply at 5. Indeed, following a meet-and-confer on October 28, 2016, complainants narrowed their requests to a specific list of written discovery responses, expert reports and pleadings containing each respondent's own confidential information, and then further narrowed this list in their Memorandum In Support Of Their Motion at page 3. *See* Reply Ex. A (Oct. 28, 2016 Pezzano E-mail to respondents); Mem. at 3; Staff at 4 ("Segway narrowed its discovery requests to the subject matter in paragraphs (a) – (e) on page 3 of its Memorandum, which appears to be limited to each Respondents' own submissions/information in the 337-TA-1000 Investigation, rather

than third-party submissions/information or materials from other respondents in the 377-TA-1000 who are not in this Investigation.”).

Complainants represent that they are “not seeking the underlying technical documents describing the structure, function and operation of Respondents’ Accused Products that were produced in the 1000 Investigation, but are seeking a limited number of each Respondent’s own non-public pleadings, expert reports and written discovery responses describing how Respondents characterize their Accused Products.” Reply at 6. As argued by the Staff, the requested discovery appears relevant because the same hoverboard products are at issue in both investigations, and the patent asserted in the 1000 investigation is directed to technologies similar to those at issue in this investigation. *See* Staff at 5; Mem. at 3-4; Reply at 6.

Respondents are to provide written discovery with respect to the limited number of each respondents’ own non-public pleadings, expert reports and written discovery responses from the 1000 investigation (as specified on page 3 of complainants’ memorandum) by December 30, 2016. Complainants’ request to withdraw the motion with respect to Chic’s first knowledge of the asserted patents is granted.

So ordered.



---

David P. Shaw  
Administrative Law Judge

Issued: December 22, 2016

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND PACKAGING AND  
MANUALS THEREFOR**

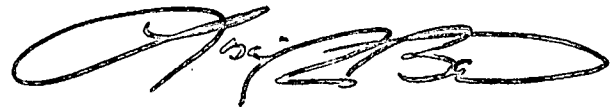
**AND**

**CERTAIN PERSONAL TRANSPORTERS AND  
COMPONENTS THEREOF**

**INV. NOS. 337-TA-1007 AND -1021 (CONSOLIDATED)**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **Order No. 21** has been served by hand upon the Commission Investigative Attorney, **Brian Koo, Esq.**, and the following parties as indicated, on **DEC 23 2016**



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street SW, Room 112A  
Washington, DC 20436

<b>FOR COMPLAINANTS SEGWAY INC.; DEKA PRODUCTS LIMITED PARTNERSHIP; AND NINEBOT (TIANJIN) TECHNOLOGY CO., LTD.:</b>	
Tony V. Pezzano, Esq. <b>HOGAN LOVELLS US LLP</b> 875 Third Avenue New York, NY 10022	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>FOR RESPONDENT SWAGWAY LLC:</b>	
Lei Mei, Esq. <b>MEI &amp; MARK LLP</b> 818 18th Street NW, Suite 410 Washington, DC 20006	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND PACKAGING AND  
MANUALS THEREFOR**

**AND**

**CERTAIN PERSONAL TRANSPORTERS AND  
COMPONENTS THEREOF**

**INV. NOS. 337-TA-1007 AND -1021 (CONSOLIDATED)**

<b>FOR RESPONDENTS RAZOR USA LLC AND INVENTIST, INC.:</b>	
Jonathan J. Engler, Esq. <b>ADDUCI, MASTRIANI &amp; SCHAUMBERG, L.L.P.</b> 1133 Connecticut Avenue, NW, 12th Floor Washington, DC 20036	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>FOR RESPONDENT JETSON ELECTRIC BIKES LLC:</b>	
Ezra Sutton, Esq. <b>EZRA SUTTON, P.A.</b> 900 Route 9 North, Suite 201 Woodbridge, NJ 07095	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>FOR RESPONDENT HANGZHOU CHIC INTELLIGENT TECHNOLOGY CO., LTD.:</b>	
Qingyu Yin, Esq. <b>FINNEGAN, HENDERSON, FARABOW, GARRETT &amp; DUNNER, LLP</b> 901 New York Avenue, NW Washington, DC 20001-4413	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>FOR RESPONDENT POWERBOARD LLC:</b>	
L. Peter Farkas, Esq. <b>FARKAS + TOIKKA, LLP</b> 1101 30 <sup>th</sup> Street, NW, Suite 500 Washington, DC 20007	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND PACKAGING AND  
MANUALS THEREFOR**

**AND**

**CERTAIN PERSONAL TRANSPORTERS AND  
COMPONENTS THEREOF**

**INV. NOS. 337-TA-1007 AND -1021 (CONSOLIDATED)**

<b>FOR RESPONDENT CHANGZHOU AIRWHEEL TECHNOLOGY CO., LTD.:</b>	
Harold H. Davis, Jr., Esq. <b>K&amp;L GATES LLP</b> Four Embarcadero Center, Suite 1200 San Francisco, CA 94111	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>RESPONDENT METEM TEKNOLOJI SISTEMLERI SAN:</b>	
Metem Teknoloji Sistemleri San Necatibey Cad. No: 61, Karaköy Istanbul, Turkey	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>RESPONDENT AIRWHEEL:</b>	
Airwheel Kabelweg 43 1014 BA Amsterdam, Netherlands	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>RESPONDENT SHENZHEN CHENDUOXING ELECTRONIC, TECHNOLOGY LTD., CHINA, A.K.A. C-STAR:</b>	
Shenzhen Chenduoqing Electronic, Technology Ltd., China, a.k.a C-Star 4F, block C11, Fuyuan Industrial Area Jiuwei, Xixiang, Bao'an, Shenzhen, China	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____

**CERTAIN PERSONAL TRANSPORTERS,  
COMPONENTS THEREOF, AND PACKAGING AND  
MANUALS THEREFOR**

**AND**

**CERTAIN PERSONAL TRANSPORTERS AND  
COMPONENTS THEREOF**

**INV. NOS. 337-TA-1007 AND -1021 (CONSOLIDATED)**

<b>RESPONDENT HOVERSHOP:</b>	
Hovershop 330 East Orange Thorpe Avenue, Suite K Placentia, CA 92871	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>RESPONDENT SHENZHEN JOMO TECHNOLOGY CO., LTD., A.K.A. KOOWHEEL:</b>	
Shenzhen Jomo Technology Co., Ltd., a.k.a. Koowheel Floor 4th and 7th, Caiyue Building, Meilong Road Bao'an District Shenzhen City, 518112, China	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>RESPONDENT GUANGHZOU KEBYE ELECTRONIC TECHNOLOGY CO., LTD., A.K.A. GOTWAY:</b>	
Guangzhou Kebye Electronic Technology Co., Ltd., a.k.a. Gotway A2, 2nd floor, Building 39, Dayangtian Industry Park, Wanfeng, No. 56 Fengtang Road, Bao'an District, Shenzhen, China	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____